



PATENT
Atty. Docket No. ELT-002
(6281/6)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): McCormick *et al.*

SERIAL NUMBER: 09/908,966

GROUP
NUMBER:

FILING DATE: July 19, 2001

EXAMINER:

Suhol, Dmitry

TITLE: A System and Method of Matching Teachers with Students to
Facilitate Conducting Online Private Instruction over a Global
Network

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECHNOLOGY CENTER R3700

Declaration of Christopher McCormick Under 37 C.F.R. § 1.132

I, Christopher McCormick, hereby state that:

1. I am a co-inventor in the above-identified patent application, U.S.S.N. 09/908,966, filed July 19, 2001 ("the '966 application"), which claims priority to a provisional patent application, U.S.S.N. 60/219,897, filed July 21, 2000 ("the '897 application").
2. I am currently the Vice President of Academic Affairs at Englishtown, Inc.
3. In my capacity, I have first hand knowledge of the technical and business operations of Englishtown, Inc. during the time period beginning in January 1998 through July 19, 2001 ("Time Period").
4. I have read and understood the above-identified patent application, including the pending claims.
5. I have read and understood the Office action mailed from the U.S. Patent and Trademark Office on May 2, 2003 ("Office action"), and the references cited therein.

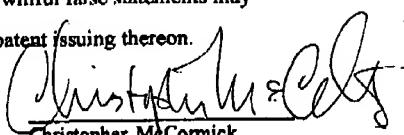
5. I understand that the Office action rejects claims 1-12 under 35 U.S.C. § 102(b) as allegedly anticipated by public use of the claimed inventions more than a year prior to the date of application for patent.

6. The inventions described in claims 1-12 were not in prior use or on sale in the United States, more than one year prior to the filing date of the '966 application (i.e., July 19, 2001).

7. During the Time Period, Englishtown, Inc. maintained an online language school, however the online language school did not match students with teachers according to the claimed methods. For example, during the Time Period, Englishtown, Inc. was not involved in any business activity that involved, at least, a method for facilitating private instruction over a network that included the step of assigning a teacher capable of teaching a given private course to a student in a list of students enrolled in that given private course based upon the profile information of that student, as recited in independent claim 1.

8. All statements made in this declaration of my own knowledge are true and all statements made on information and belief are believed to be true. Moreover, these statements were made with the knowledge that willful false statements and the like made by me are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By:


Christopher McCormick
Vice President of Academic Affairs

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Date: October 31, 2003